

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

PABLO P. PIÑA,

Plaintiff,

v.

YSUSI, *et al.*,

Defendants.

Case No. 1:20-cv-01735-BAM (PC)

ORDER DENYING PLAINTIFF'S MOTION
FOR DISPOSITION ON DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT

(ECF No. 66)

Plaintiff Pablo P. Piña ("Plaintiff") is a state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's first amended complaint against Defendant Ysusi for excessive force in violation of the Eighth Amendment and against Defendant J. Gonzales for retaliation in violation of the First Amendment. All parties have consented to Magistrate Judge jurisdiction. (ECF Nos. 36, 39.)

Pending before the Court is Defendant Ysusi's motion for summary judgment on the grounds that Defendant Ysusi did not use excessive force against Plaintiff in violation of the Eighth Amendment and Defendant Ysusi is entitled to qualified immunity as to Plaintiff's Eighth Amendment claim against him.¹ (ECF No. 58.) The motion is fully briefed. (ECF Nos. 63, 64.)

¹ Defendant Gonzales' motion for partial summary judgment on the grounds that Plaintiff failed to exhaust available administrative remedies for his claims in this action before filing suit against Defendant Gonzales is also fully briefed and pending. (ECF Nos. 41, 49, 50.)

1 Currently before the Court is Plaintiff's motion for a disposition on Defendant Ysusi's
2 motion for summary judgment, filed August 18, 2023. (ECF No. 66.)

3 Defendants have not yet had an opportunity to respond to the motion, but the Court finds a
4 response unnecessary. The motion is deemed submitted. Local Rule 230(1).

5 Plaintiff is reminded that this Court has an extremely large number of *pro se* prisoner civil
6 rights cases pending before it, and therefore, delay is inevitable despite the Court's best efforts.
7 Due to the heavy caseload, Defendants' motions for summary judgment are awaiting decision.
8 The Court is aware of the pendency of this action and will decide the motions for summary
9 judgment in due course. Plaintiff's motion for a ruling is therefore denied.

10 Accordingly, IT IS HEREBY ORDERED as follows:

- 11 1. Plaintiff's motion for ruling on Defendant's motion for summary judgment, (ECF No. 66),
12 is DENIED; and
- 13 2. Defendants' motions for summary judgment will be decided in due course.

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15 IT IS SO ORDERED.

16 Dated: August 21, 2023

17 /s/ Barbara A. McAuliffe
18 UNITED STATES MAGISTRATE JUDGE
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